

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 SKYLER JAMES FOWLER,

5 Plaintiff,

6 v.

7 CHARLES DANIELS, *et al.*,

8 Defendants.

Case No. 3:22-CV-00195-MMD-CLB

**ORDER GRANTING MOTION TO
RECONSIDER REPORT AND
RECOMMENDATION**

[ECF No. 119]

9 Before the Court is Plaintiff Skyler James Fowler's ("Fowler") motion to reconsider
10 a report and recommendation related to Fowler's motion for default judgment. (ECF No.
11 119).

12 A motion to reconsider must set forth the following: (1) some valid reason why the
13 court should revisit its prior order; and (2) facts or law of a "strongly convincing nature" in
14 support of reversing the prior decision. *Frasure v. United States*, 256 F. Supp. 2d 1180,
15 1183 (D. Nev. 2003). Reconsideration may be appropriate if (1) the court is presented
16 with newly discovered evidence, (2) has committed clear error, or (3) there has been an
17 intervening change in controlling law. *Sch. Dist. No. 1J, Multnomah County, Or. v.*
18 *ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); *Kona Enters., Inc. v. Estate of Bishop*,
19 229 F.3d 877, 890 (9th Cir. 2000). A motion for reconsideration is properly denied where
20 it presents no new arguments. *See Backlund v. Barnhart*, 778 F.2d 1386, 1388 (9th Cir.
21 1985). However, it "may not be used to raise arguments or present evidence for the first
22 time when they could reasonably have been raised earlier in the litigation." *Kona Enters.,*
23 *Inc.*, 229 F.3d at 890. As the case law indicates, motions to reconsider are granted rarely.
24 *See, e.g., School Dist. No. 1J*, 5 F.3d at 1263.

25 Fowler's motion for reconsideration asks that the Court reconsider its report and
26 recommendation regarding Fowler's motion for default and specifically that the Court
27 address his request for fees. (ECF No. 119). The Court has reviewed Fowler's motion to
28 reconsider and finds that it did commit error by not addressing Fowler's request for costs

1 in the original report and recommendation. Accordingly, Fowler's motion for
2 reconsideration, (ECF No. 119), is **GRANTED**. The Court **WITHDRAWS** its prior report
3 and recommendation, (ECF No. 118), and will reissue an amended report and
4 recommendation, which addresses Fowler's request for costs.

5 **DATED:** November 7, 2023.

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8 **UNITED STATES MAGISTRATE JUDGE**